

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE EXECUTIVE SESSION OF THE
FOUNTAIN HILLS TOWN COUNCIL
February 10, 2009**

Vice Mayor Archambault called the meeting to order at 5:34 p.m. in the Fountain Conference Room (2nd floor) at Town Hall.

ROLL CALL – Present for roll call were the following members of the Fountain Hills Town Council: Vice Mayor Mike Archambault, Councilmember Henry Leger, Councilmember Keith McMahan, Councilmember Cassie Hansen, Councilmember Dennis Contino, and Councilmember Ginny Dickey. Town Manager Rick Davis, Town Attorney Andrew McGuire (arrived at 5:35 p.m.) and Town Clerk Bev Bender were also present.

Mayor Jay Schlum was absent.

AGENDA ITEM #1 - ROLL CALL AND VOTE TO GO INTO EXECUTIVE SESSION: (I) PURSUANT TO A.R.S. §38-431.03(A)(1), DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSION, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT THE DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. (SPECIFICALLY, FOR THE PROPOSE OF INTERVIEWING APPLICANTS FOR POSSIBLE SERVICE ON THE STRATEGIC PLANNING ADVISORY COMMISSION.); AND (II) PURSUANT TO §38-431.03(A)(4), FOR DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY' S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION. (SPECIFICALLY, NEGOTIATIONS REGARDING THE FIREROCK TAX LITIGATION).

Mayor Jay Schlum participated via conference call beginning at 7:05 p.m. Deputy Town Manager Julie Ghatti entered the meeting at 7:05 p.m.

Councilmember Hansen left the meeting at 7:05 p.m. due to a conflict of interest in item being discussed.

AGENDA ITEM #2 – CLOSE THE EXECUTIVE SESSION AND CONVENE THE SPECIAL SESSION.

Mayor Schlum (participating via conference call) closed the Executive Session at 8:20 p.m. and convened the Special Session at 8:24 p.m. in the Council Chambers (1st floor).

AGENDA ITEM #3 – DISCUSSION WITH POSSIBLE DIRECTION TO STAFF REGARDING THE FIREROCK LITIGATION.

Councilmember Contino **MOVED** to direct the Town Attorney, outside legal counsel, the Mayor, and the Town Manager to move forward as discussed in Executive Session and Councilmember McMahan **SECONDED** the motion, which **CARRIED** unanimously by a vote of those present (6 – 0).

AGENDA ITEM #4 - ADJOURNMENT.

Councilmember McMahan **MOVED** adjourned the Special Session at 8:28 p.m. and Councilmember Contino **SECONDED** the motion, which **CARRIED** unanimously by a vote of those present (6 – 0).

TOWN OF FOUNTAIN HILLS

By _____
Mayor Jay T. Schlum

ATTEST AND
PREPARED BY:

Bevelyn J. Bender, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special and Executive Sessions held by the Town Council of Fountain Hills, in the Fountain Conference Room and Council Chambers at Town Hall, on the 10th day of February 2009. I further certify that the meeting was duly called and that a quorum was present.

DATED this 5th day of March 2009.

Bevelyn J. Bender, Town Clerk